

February 11, 2019

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: WC Docket No. 17-287  
WT Docket No. 17-79  
WC Docket No. 17-84  
MB Docket No. 18-34  
GN Docket No. 18-238  
WC Docket No. 11-10  
WC Docket 13-184  
GN Docket No. 18-231  
WC Docket No. 17-108  
WC Docket No. 12-375  
MB Docket No. 18-202**

Dear Ms. Dortch:

On Thursday, February 7, 2019, a large group of public interest organizations and advocates met with Commissioner Geoffrey Starks for an introductory meeting shortly after his swearing in and the beginning of his term. The advocates covered a wide array of topics of importance to the individual organizations and more generally to the coalition as a whole.

Attending this meeting in addition to Commissioner Starks himself were his staff: Daudeline Meme, Acting Chief of Staff and Acting Legal Advisor for Wireless and International; Michael Scurato, Acting Legal Advisor for Media and Consumer Protection; Randy Clarke, Acting Legal Advisor for Wireline and Public Safety; and Andrew Manley, Legal Fellow.

Because of the number of organizational representatives in attendance, they are listed below in conjunction with the topics they presented during the meeting, and in the order in which they presented.

Attending for Free Press were Craig Aaron, President and CEO; Jessica J. González, Vice President of Strategy and Senior Counsel; and Matt Wood, Vice President of Policy and General Counsel. They asked the Commissioner to focus not only on broadband deployment, as do so many who profess a desire to close the digital divide, but on affordability too – and on the high price of service and other adoption barriers that prevent so many people from subscribing to high-speed options available to them today. Free Press suggested that the FCC terminate the harmful Lifeline proceeding initiated in November 2017, which unfairly and unwisely proposed eliminating Lifeline providers from the program and restricting eligible recipients' ability to participate.

Debra Socia, Executive Director for Next Century Cities, explained that its 200 member communities are looking to solve the connectivity and adoption divide that exists in both rural and

urban communities. She mentioned that several recent FCC actions, including the 5G Wireless Infrastructure Deployment Declaratory Ruling in September 2018 and model codes proposed by the Commission's Broadband Deployment Advisory Committee, have limited local decision making and negatively impacted the number of solutions available to local leaders.

Yosef Getachew, Director of Media and Democracy Program for Common Cause, said that the FCC has consistently failed to examine race and gender diversity when it comes to broadcast ownership. Without properly assessing the impact on ownership diversity, the FCC has abandoned many of its media ownership rules, which will result in more consolidation and fewer diverse and independent voices in the marketplace. The elimination of media ownership rules will also harm localism and competition – values the Commission is statutorily obligated to uphold.

Attending for New America's Open Technology Institute were Kevin Bankston, Director, and Sarah Morris, Deputy Director. They urged Commissioner Starks to lead the way in improving Form 477 data and offered several specific recommendations, including: increasing granularity of the data collected; requiring the submission of pricing data in addition to broadband availability data; organizing the data in a machine-readable, consumer-friendly format; and resisting industry calls to move to annual, rather than semi-annual reporting. OTI also highlighted the challenges of Form 477 data, noting that it is self-reported by industry and by design often dramatically overstates the availability of broadband in a given area. And importantly, even with pricing data included, this data alone cannot remedy the well-documented high costs associated with broadband adoption, which is why OTI echoed numerous calls around the table to withdraw the Commission's disastrous Lifeline proposal.

Adrianne Furniss, Executive Director of the Benton Foundation, discussed bringing open, affordable, high-capacity broadband to all people in the United States to ensure a thriving democracy. Concerning the E-Rate program in particular, she highlighted implementation issues that are leaving thousands of students most in need on the wrong side of the digital divide and unable to take full advantage of digital learning. In the long term, she noted that Benton is working on a collaborative project – spearheaded by Benton Senior Fellow Jonathan Sallet – that will propose how best to update America's policy approach to broadband access in the 2020s given new technologies and new social needs.

Gigi Sohn, Distinguished Fellow, at Georgetown Law Institute for Technology Law and Policy and also Benton Senior Fellow and Public Advocate agreed that the Commission's broadband map is woefully inaccurate, and that carriers should be required to collect data on a block-by-block basis at a minimum, along with pricing information that goes beyond mere "introductory" pricing. She also encouraged Commissioner Starks to be profoundly skeptical of the data used in the Commission's recent Consolidated Communications Marketplace Report, which grossly overstates the amount of competition and access in the broadband market. Finally, Ms. Sohn urged Commissioner Starks to be the voice of realistic expectations with regards to new 5G wireless services, and to recognize that the arrival of such services should not be the basis for increased deregulation, increased consolidation or trampling on the rights of cities and towns to make their own plans for 5G infrastructure rollout in their communities.

Jonathan Schwantes, Senior Policy Counsel for Consumer Reports, spoke to the rising cost of company-imposed fees in the MVPD (multichannel video programming distributor) market. He cited the fact that Charter (d/b/a Spectrum) has increased its “broadcast TV fee” twice since last November to nearly \$12/month, representing a 35 percent hike of that fee in just the past year. He described Consumer Reports’ What the Fee?! (WTF?!) campaign and how it will be seeking both legislative and regulatory solutions to address this problem.

Sean Vitka, Policy Counsel for Demand Progress, urged the Commission to investigate the sale to third parties of users’ GPS data by mobile providers. He also highlighted the urgency of doing so because of the quick normalization that attends diffuse invasions of privacy, and the importance of the Commission championing that right to privacy.

Angela Siefer, Executive Director of the National Digital Inclusion Alliance, explained that the alliance is a unified voice for affordable home broadband access, public broadband access, affordable device options and community technology training support programs, which currently has 350 affiliates in 41 states. She recommended that the FCC gather cost data for residential internet service subscriptions, explaining that this national data is not publicly available through any source, but is needed to inform local and national strategies working to increase broadband adoption and support allocation of resources.

Attending for Public Knowledge were Phillip Berenbroick, Senior Policy Counsel; Harold Feld, Senior Vice President; and Chris Lewis, Vice President. They advocated for a halt to the rollback of the Tech Transition protections for voice and broadband services, including the lowering of standards for notice to consumers and communities and the lowering of quality standards for adequate replacement of service, and highlighted the impact of such changes on communities that are seeing poor maintenance of communications network infrastructure.

Lisa A. Hayes, Vice President of Strategy & General Counsel for the Center for Democracy & Technology, strongly agreed with the concerns voiced by several attendees about the repeal of Net Neutrality, as well as the need to expand access likewise expressed by the other advocates in the room. She also urged Commissioner Starks to reexamine the issue of telephone rates for prisoner calls, and to ensure that prisoners are able to afford to communicate with family and friends.

Jim Graves, Staff Attorney at the Institute for Public Representation at Georgetown Law, said that his clinic’s clients were concerned about children’s television rules, the availability of public files, and diversity in broadcast ownership. Mr. Graves also expressed his hope that the FCC would improve its working relationship with American Indian tribes.

Ernesto Falcon, Legislative Counsel for the Electronic Frontier Foundation, expressed concern that the FCC has not put sufficient focus on the failure of the market to promote high-speed wireline competition in the advent of the cable industry’s launch of gigabit download services. EFF believes the FCC and policymakers are focusing too much on Fifth Generation wireless (5G) when proven network technologies exist in fiber to the home that would provide 21st century access for decades to come. EFF firmly believes that wireless services will not be competitive with high-speed wireline services in any form. It emphasized, as it has in previous

filings with the agency, that a real crisis is approaching American innovation if the EU and advanced Asian markets are aiming for universal deployment of high-speed networks connected by fiber and the United States market continues to languish. Americans will either have no choice or a cable monopoly to access those new technological innovations and nothing today is being done by the agency to tackle this problem.

Respectfully Submitted,

/s/ Matthew F. Wood

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